

United States District Court

WESTERN DISTRICT OF WASHINGTON

DAWUD HALISI MALIK aka
DAVID WASHINGTON RIGGINS

v.

ELDON VAIL, et al.,

JUDGMENT IN A CIVIL CASE

CASE NUMBER: C11-5226RJB

— **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

The Court adopts the Report and Recommendation (Dkt. 14);

This action is DISMISSED WITH PREJUDICE for failure to state a claim. See Fed. R. Civ. P. 12(b)(6). This dismissal counts as a strike pursuant to 28 U.S.C. § 1915(e)(2). In forma pauperis status is revoked for purposes of appeal.

Plaintiff's Motion to Appoint Counsel (Dkt. 16) is DENIED on the basis that plaintiff's claim is without merit and plaintiff has failed to show exceptional circumstances.

September 19, 2011
Date

WILLIAM M. McCOOL
Clerk

s/CM Gonzalez
Deputy Clerk